

Members

Rep. Scott Mellinger, Chairperson
Rep. Ed Mahern
Rep. Win Moses
Rep. Dean Mock
Rep. William Ruppel
Rep. P. Eric Turner
Sen. Charles Meeks, Vice-Chairperson
Sen. John Waterman
Sen. Thomas Weatherwax
Sen. John Broden
Sen. Timothy Lanane
Sen. Frank Mrvan



INTERIM STUDY COMMITTEE ON STATE AND LOCAL GOVERNMENT ISSUES

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Authority: Legislative Council Resolution 01-2
(Adopted June 7, 2001)

THIS WAS A JOINT MEETING WITH THE CORRECTIONS MATTERS EVALUATION COMMITTEE.

MEETING MINUTES¹

Meeting Date: October 15, 2001
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 130
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Rep. Scott Mellinger, Chairperson; Rep. Ed Mahern; Rep. Win Moses; Rep. Dean Mock; Rep. William Ruppel; Sen. Charles Meeks, Vice-Chairperson; Sen. Thomas Weatherwax; Sen. Frank Mrvan.

Members Absent: Rep. P. Eric Turner; Sen. John Waterman; Sen. John Broden; Sen. Timothy Lanane.

I. Call to Order

Representative Mellinger called the meeting to order at 1:15 p.m. Each Committee member introduced himself.

II. Review of Draft Final Report by the Interim Study Committee on State and Local Government Issues

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Representative Mellinger opened discussion on the draft final report (Exhibit A) by asking for any questions on the truck transportation issue. There were none. The Committee approved this portion of the draft final report by voice vote.

Next in the report was the topic of inmate telephone services. Senator Charles Meeks distributed Preliminary Draft (PD) 3390 (Exhibit B) relating to this topic. Sarah Freeman, staff attorney for the Committee, explained the contents of the draft and its implications on inmate telephone services. Under PD 3390, the commission rate for telephone services provided to a confined offender in (1) a community corrections facility; (2) a juvenile detention facility; (3) a juvenile detention center; or (4) a county jail located in county with a population greater than or equal to 75,000; may not exceed the commission for telephone services provided to a confined offender in a Department of Correction (DOC) facility.

Committee members questioned the process of how the telephone company determines the prices charged, particularly the 43 percent commission rate paid to the state. Senator Meeks emphasized that PD 3390 is a starting point to make inmate telephone services consistent throughout the jail and prison system. Representative Mahern expressed concern over the high percentage of revenue that the state receives from commissions. Other Committee members felt that additional discussion will be needed before the General Assembly would approve a bill like PD 3390.

Tom Freuchtenicht, representing the Indiana Sheriffs' Association, testified in favor of PD 3390. He stated that the telephone service contracts for many county jails have commission rates that are less than 40 percent. Representative Mellinger noted mixed support for PD 3390. A majority of the committee did not support PD 3390 as drafted. The Committee approved this portion of the draft final report by voice vote.

Representative Mellinger then began discussion of the third topic in the draft final report, the investigation of DOC. Representative Cheney encouraged the DOC to continue to monitor racist situations, but saw no concrete evidence from the current investigation that a racist organization exists within the DOC. No other discussion occurred on this issue, and the Committee made no final recommendation. The Committee approved this portion of the draft final report by voice vote.

III. Continued Discussion of House Resolution 39 concerning the education systems in the Department of Correction

The Committee resumed its study of the status of education programs administered in DOC facilities. Randy Koester, DOC Legislative Liaison, distributed a handout (Exhibit C) to the committee to answer questions raised at the October 1, 2001, meeting. DOC education directors Carolyn Hire and John Nalley answered questions about administrative costs and teachers' salaries. According to their testimony:

- The administrative costs of DOC educational programs are on average about 5% of the total costs of the programs.
- The salaries of teachers in DOC facilities are based on the salaries of the largest school corporation in the county. Because DOC teachers work year round, the salaries of DOC teachers are significantly higher than are the salaries of teachers in the school corporations in the county in which the prison facility is located.
- The DOC education budget is not tied to any other state education budget. Each DOC facility has its own budget for education, and each DOC facility determines how to spend its education budget.

The Committee did not make a recommendation based on its study of this topic.

IV. Discussion of House Resolution 62 concerning the design-build method of project delivery for public construction

Doug Simmons from Consulting Engineers of Indiana spoke in opposition to the design-build method because the current system is open to the public and provides an incentive for early completion. Representative Mellinger asked for a definition of the design-build method. Ed Doyle, also from Consulting Engineers of Indiana, defined the process as contractors, builders, and consultants getting together to both design and construct a project. Later in the meeting, Mr. Doyle testified that the design-build method is bad public policy and too complicated and costly.

Harold Fors of Fors Construction Company testified in favor of the design-build method. He told the committee that the method is already being used in several private projects. He also said that many public entities are already doing this, but that there is a need for guidelines. Toby McClamroch from Bingham Summers Welsh and Spilman also spoke in favor of the bill. Mr. McClamroch testified that design-build simplifies the way public construction takes place. He said that the legislation proposed in 2001 would not have forced public entities to use design-build but would have allowed it as an alternative to the traditional bidding process (see Exhibit D). In Mr. McClamroch's opinion, current law does not allow governmental entities to use the design-build method for public construction. Rob Palmer, for the association of General Contractors, also spoke in favor of the design-build method.

Eric Roeske from Consulting Engineers of Indiana testified against the design-build method and questioned why the current system should be changed if it is working. Tonya Galbraith from Indiana Association of Cities and Towns opposed the design-build method, stating that the method limited municipalities' current construction practices. David Bottorff from the Association of Indiana Counties was opposed to the design-build method for many of the reasons stated by Ms. Galbraith. Charles Kahl from Indiana Constructors, Inc., opposed the 2001 legislation (Exhibit E). Dewey Pearman from Construction Advancement Foundation of Northern Indiana testified that the guidelines should be set forth to keep the process open to the public.

The Committee did not make a recommendation about this topic.

V. Adjournment

Representative Mellinger adjourned the meeting at 4:15 p.m.